

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455A.6, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 1, "Operation of Environmental Protection Commission," Iowa Administrative Code.

The proposed amendment modifies the voting requirements for the Commission. Under the amendment, for official action by the Commission the requisite number of Commissioners varies depending on the number of Commissioners currently appointed by the Governor. The amendment provides that four votes are sufficient to take action when there are only seven appointed members.

From late November 2007 until very recently, the Commission has had only seven appointed members from a statutory total of nine members. Because of the number of votes required to take action, these two vacancies have resulted in delayed Agency action, gridlock, and stalemate, with the minority at times deciding an issue. The Commission wishes to adopt an amendment to provide that four votes are sufficient to take action when there are only seven appointed members. This amendment is authorized by Iowa Code section 455A.6(5), which allows the Commission to determine by rule the number of votes required to take action when a quorum is present.

Any interested person may make written suggestions or comments on the proposed amendment on or before July 22, 2008. Written comments should be directed to Lisa Nissen, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail lisa.nissen@dnr.iowa.gov.

Also, there will be a public hearing on July 22, 2008, at 10 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, at which time persons may present their views either orally or in writing. At the hearing, people will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendment.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 6921B**. The content of that submission is incorporated by reference.

This amendment is intended to implement Iowa Code section 455A.6.